

PETER D. KEISLER  
Assistant Attorney General  
ELIZABETH J. SHAPIRO  
ISAAC R. CAMPBELL  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW, Room 6130  
Washington, D.C. 20530  
Tel: (202) 616-8476  
Fax: (202) 616-8460  
isaac.campbell@usdoj.gov

Attorneys for Defendants Environmental Protection Agency;  
National Highway Traffic Safety Administration; Department  
of Transportation; and Office of Management and Budget

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PEOPLE OF THE STATE OF CALIFORNIA, *ex* )  
*rel.* EDMUND G. BROWN JR., ATTORNEY )  
GENERAL OF THE STATE OF CALIFORNIA, )  
Plaintiff, )  
v. )  
ENVIRONMENTAL PROTECTION AGENCY, )  
et al, )  
Defendants. )

CV 07-02055 JSW

**STIPULATED REQUEST FOR ORDER  
CHANGING TIME OF DUE DATE OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT/CROSS-  
MOTION FOR SUMMARY  
JUDGMENT AND ORDER THEREON**

Pursuant to Civil L.R. 6-2, Defendants, through undersigned counsel, hereby move for an order changing, by one business day, the time by which Defendants' Opposition to Plaintiffs' Motion for Summary Judgment/Cross-Motion for Summary Judgment is due. Counsel for Plaintiff has stipulated to this short extension. As grounds for this stipulation, Defendants state as follows:

1. On November 30, 2007, at approximately 11:20 PST, Defendants' counsel attempted to electronically file Defendant's Opposition to Plaintiffs' Motion for Summary Judgment/Cross-Motion for Summary Judgment, in compliance with the due date set forth in this Court's November 15, 2007 Order.

Stipulated Request For Order Changing Time of Defs' Oppo./Cross Mot. Due Date (07-02055 JSW)

2. Defendants' counsel's filing attempts were unsuccessful due to technical difficulties beyond the control of undersigned counsel. Specifically, the Court's ECF system was not accessible, and thus filing could not be completed on November 30, 2007.

3. On November 30, at approximately 11:45 p.m., Defendants' counsel provided Plaintiff's counsel with electronic copies of the Defendants' filing in order: (1) to ensure Plaintiff received the filing in the timeframe mandated by the Court; (2) to allow Plaintiff's counsel to timely facilitate their preparation of a response; and (3) to memorialize that the documents in Defendants' filing (Motion, Memorandum and Points of Authorities and accompanying declarations) had been completed prior to the passage of Defendants' due date.

4. Defendants seek to file their Opposition to Plaintiffs' Motion for Summary Judgment/Cross-Motion for Summary Judgment today, December 3, 2007, on the first business day after technical difficulties with the Court's ECF system precluded Defendants from successfully completing their filing on November 30, 2007.

5. As Plaintiff's counsel received the copies of Defendants' filing on November 30, counsel for the Plaintiff is not prejudiced by an order changing by one business day, from Friday, November 30, 2007 to Monday, December 3, the due date of Defendants' Opposition/Cross-Motion. In fact, Plaintiff has stipulated to the request.

6. This stipulation is supported by the Declaration of Isaac R. Campbell, filed herewith.

For the reasons set forth above, and in the Declaration of Isaac R. Campbell, Defendants hereby move for an order changing, to Monday, December 3, 2007, the time by which Defendants' Opposition to Plaintiffs' Motion for Summary Judgment/Cross-Motion for Summary Judgment is due. No other dates in the current briefing schedule need be changed or modified as a result of this order.

Dated: December 3, 2007

/s/  
 ELIZABETH J. SHAPIRO  
 ISAAC R. CAMPBELL  
 United States Department of Justice  
 Civil Division, Federal Programs Branch

/s/  
 LAURA ZUCKERMAN  
 Deputy Attorney General  
 SANDRA GOLDBERG

Stipulated Request For Order Changing Time of Defs' Oppo./Cross Mot. Due Date (07-02055 JSW)

1 20 Massachusetts Avenue, NW, Rm.  
2 6130  
3 Washington, DC 20530  
4 Tel: (202) 616-8476  
5 Fax: (202) 616-8460

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Attorneys for Defendants

Deputy Attorney General  
California Department of Justice  
Environment Section  
Office of the Attorney General  
1515 Clay Street, 20<sup>th</sup> floor  
Tel: (510) 622-2174

Attorneys for Plaintiff

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 4, 2007

  
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Honorable Jeffrey S. White